


PATENT COOPERATION TREATY

From the:
INTERNATIONAL SEARCHING AUTHORITY

To:

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WRAY & ASSOCIATES
29 NOV 2004

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference 112831:EJH	<div style="border: 1px solid black; padding: 2px; display: inline-block;"> Date of mailing 26 NOV 2004 </div> <p style="text-align: center; margin-top: 5px;">FOR FURTHER ACTION See paragraph 2 below</p>
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International application No. PCT/AU2004/001362	International filing date (day/month/year) 6 October 2004	Priority date (day/month/year) 6 October 2003
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International Patent Classification (IPC) or both national classification and IPC

Cl. 7 A61M 37/00; A61M 5/32, 5/00

Applicant

EASTLAND MEDICAL SYSTEMS LTD et al

1. This opinion contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the opinion
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer KAREN VIOLANTE Telephone No. (02) 6283 7933
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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/AU2004/001362

Box No. I	Basis of the opinion
1.	With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item. <input type="checkbox"/> This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2.	With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of: a. type of material <input type="checkbox"/> a sequence listing <input type="checkbox"/> table(s) related to the sequence listing b. format of material <input type="checkbox"/> in written format <input type="checkbox"/> in computer readable form c. time of filing/furnishing <input type="checkbox"/> contained in the international application as filed. <input type="checkbox"/> filed together with the international application in computer readable form. <input type="checkbox"/> furnished subsequently to this Authority for the purposes of search. 3. <input type="checkbox"/> In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished. 4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/AU2004/001362

Box No. V **Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims 1-25	YES
	Claims	NO
Inventive step (IS)	Claims	YES
	Claims 1-25	NO
Industrial applicability (IA)	Claims 1-25	YES
	Claims	NO

2. Citations and explanations:

NOVELTY Claims 1-25:

The invention defined in claims 1-25 is novel.

INVENTIVE STEP (IS):

Claims 1-25:

- D1 = US 6099504 A
- D2 = WO 2000/025845 A1 and
- D3 = US 2003/0130619 A1

Claims 1 and 12:

For example; US 6099504 A discloses a inoculation device comprising a body having a fixed portion and a movable portion, said fixed portion having a front face, the movable portion supported from the fixed portion to the rear of the front face, a needle supported from the movable portion to be movable on relative movement of the movable portion with respect to the fixed portion, towards and away from the front face whereby free end of the needle is movable between a retracted position at which the free end of the needle lies to the rear of the front face and an extended position at which the free end of the needle extends in front of the front face, said movable portion being biased to the retracted position, indexing means that provides a rotational movement to the movable portion. However, whether the indexing means provides a lateral movement of the needle or of the movable object constitutes no more than a mere workshop improvement. It is an arrangement that any competent worker in the art would be expected to make directly and without difficulty and by routine steps alone. Therefore the claimed invention does not involve an inventive step.

Claims 2-11 and 13-25: The minor features added by these claims are well known integers in the art (common general knowledge) or can be arrived at though routine steps and are therefore not inventive.

INDUSTRIAL APPLICABILITY:

The claims define subject matter that would be suitable for industrial application.